

REMARKS

The Office Action mailed May 5, 2006, has been carefully considered by Applicant. The presently amended claims are believed to be in a condition for allowance, and such action by the Examiner is earnestly requested.

Rejections Under 35 USC Section 102(b)

Claims 1 - 9 are rejected under 35 USC §102(b) as being anticipated by Gardner (UK Patent App. No. 2,134,885). Claim 1 is currently amended and claims 3 – 6 are canceled.

By the present response, independent claim 1 has been amended to generally incorporate the subject matter of original claims 3-6. Specifically, claim 1 has been amended to indicate that the at least one partition is selectively positionable between the side walls to adjust the interior length of the container where the partition includes projections located at or near the periphery of a set of opposing edges of the partitions such that the projections reduce an interior width of the container when the partition is received between the side walls. These limitations clearly distinguish amended independent claim 1 from the disclosure of the Gardner '885 reference cited by the Examiner.

In the Office Action, the Examiner stated that “Gardner shows a “partition (6) further comprising projections (4)” or a “substantially flat plate (6) with projections (4) ... wherein the projections (4) serve to adjust the internal width.” The applicant objects to such finding by the Examiner, since Gardner does not teach a partition with projections.

The Gardner '885 reference teaches a drawer divider system that includes a pair of end support members 3 that each include a central channel member 4 having a substantially U-shaped cross-section. The central channel member includes a series of apertures 5 such that the pair of support members can receive the plurality of support rails 6 extending from the front to the back of the drawer. Each of the rails 6 also includes a

series of apertures 8. The apertures 8 formed in the spaced rails 6 can receive the divider plates 13 to adjust the relative sizes of compartments 15 within the drawer.

Gardner teaches the use of a divider plate (13, 33, 34) that in principle corresponds to the partition required by claim 1 of the present application. However, Gardner lacks any teaching or suggestion of projections included on the divider plate to reduce the interior width of the container. Gardner teaches use of the divider plates to adjust the depth of the compartments within the drawer, but there is no teaching or suggestion in Gardner for using the divider plates to adjust the width or to adjust both the width and the depth of the drawer. If the width of the compartment (15) is to be adjusted, the rails (6) must be moved to a different apertures (5) in the support member.

As presently amended, claim 1 now includes the limitation that the partition is selectively positionable between the side walls to adjust the interior length of the container and the partition has projections located at or near the edges of the partition where the partition is selectively positionable between the side walls such that the projections reduce the interior width of the container. Thus, the single partition can be utilized within the container to both adjust the length of the container and the effective width of the container. This limitation distinguishes the presently claimed invention from that taught in Gardner as the partition selectively adjusts both the length and the effective width of the container. While the movement of the rails (6) and the plates (13) in Gardner may be used in conjunction to adjust the length and the width of the compartments (15), this arrangement does not anticipate the use of only the divider plate to adjust both the length and the width of the compartment, as claimed in claim 1. The separate rails (6) and plates (13) as taught in Gardner serve the intended purpose of creating a plurality of adjustably sized compartments in both the length and width dimension of a furniture drawer. Therefore, the Gardner reference teaches away from a partition with projections to modify both the length and width of the container.

Regarding claim 9, Examiner asserts "Gardner shows a "substantially flat plate (6) with projections (4) ... wherein the projections (4) serve to adjust the internal width." Applicant disagrees with the Examiner's comments for reasons stated above.

The partition taught and claimed in claim 1 is used to adjust both the width and the length of the container. Thus, Gardner does not anticipate the present invention.

Claims 2, 7-11 depend directly or indirectly from amended claim 1 and are thus believed to be allowable based upon the above arguments for allowance, as well as in view of the subject matter of each of the claims.

Rejections Under 35 USC Section 103(a)

Claims 10 and 11 are rejected under 35 USC Section 103(a) as being unpatentable over Gardner. The Examiner asserts, "Gardner discloses the invention substantially as claimed. However Gardner does not disclose the thickness of the projections." With the amendments to the claims and arguments presented above, Applicant disputes the assertion that Gardner discloses the invention substantially as claimed.

The Examiner's argument regarding "common knowledge" when selecting a thickness of the projections is moot since Gardner does not teach or suggest use of projections on the divider plates.

Furthermore, while Gardner does not disclose the thickness of the plates (13) used to adjust the width of the compartment (15), Gardner teaches the adjustment of the length of the compartment (15) by inserting opposite edges of the divider plate into opposing apertures (8). The apertures (8) are located at fixed points along the rails (6) such that no matter what the thickness of the plate (13) is, the width of the compartment (15) remains constant. Therefore, the thickness of the projections as claimed in claims 10 and 11 is not obvious in light of the plates taught in Gardner, as the thickness of the projections in claims 10 and 11 serve the additional unique function of modifying the width of the container in a fashion that is not anticipated by Gardner.

By the present amendment, new claim 12 has been added to the present application to round out the scope of protection to which the applicant is believed to be entitled.

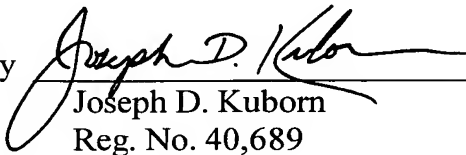
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Claim 12 further identifies the selective positioning of the partition within the container to modify the width of the open interior of the container. This feature is clearly shown in the drawings of the present application and is described in the patent specification.

The Examiner is invited to contact the applicant's undersigned attorney with any questions or comments, or to otherwise facilitate prosecution of the present application.

Respectfully submitted,

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